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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/536,746

02/07/2006

Dieter Schmidt

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BACON & THOMAS, PLLC

625 SLATERS LANE

FOURTH FLOOR

ALEXANDRIA, VA 22314-1176

EXAMINER

SU, SARAH

ART UNIT

PAPER NUMBER

2131

MAIL DATE

DELIVERY MODE

07/14/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/536,746	Applicant(s) SCHMIDT ET AL.	
	Examiner Sarah Su	Art Unit 2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-20 is/are rejected.
- 7) ☒ Claim(s) 11 and 16-19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 May 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/26/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Preliminary Amendment, received on 27 May 2005, has been entered into record. In this amendment, claims 1-10 have been cancelled, and claims 11-20 have been added.
2. Claims 11-20 are presented for examination.

Priority

3. The claim for priority from PCT/EP03/13226 filed on 25 November 2003 is duly noted.
4. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

5. The abstract of the disclosure is objected to because lines 1-3 do not form a complete sentence. Correction is required. See MPEP § 608.01(b).
6. The disclosure is objected to because of the following informalities:
 - a. In page 2, line 27: "wants to effect" should read –wants to affect–;
 - b. In page 3, line 2: "are possible" should read –are possible.–;Appropriate correction is required.

Claim Objections

7. Claims 11, 16-19 are objected to because of the following informalities:

- a. In claim 11, line 5: “the registered, person-specific feature” lacks antecedent basis;
- b. In claims 16 and 17, line 2: “the stored, person-specific features” is unclear if it relates to “stored features” (claim 11, line 5);
- c. In claim 18, line 9: “a person-specific feature” is unclear if it relates to “at least one person-specific feature” (claim 18, lines 2-3);
- d. In claim 19, line 4: “user-specific data” is unclear if it relates to “user-specific data” (claim 19, line 3).

Appropriate correction is required.

Drawings

- 8. The replacement drawings were received on 27 May 2005.
- 9. The drawings are objected to because the numbers, letters, and reference characters do not measure at least 1/8 inch in height. See 37 CFR 1.84(p)(3).
Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency.

Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 11-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Ortiz (US 2002/0091937 A1).

As to claim 11, Ortiz discloses a system and method for random biometric authentication, the system and method having:

requesting at least one person-specific feature (i.e. biometric attribute)
of the user (Abstract, lines 2-5);
registering the person-specific feature with a sensor (0027, lines 2-6);
comparing the registered, person-specific feature with stored features (Abstract, lines 9-12);

granting access to the user upon matching of the registered, person-specific feature with one of the stored features (Abstract, lines 7-9).

As to claim 12, Ortiz discloses:

wherein the person-specific feature is a fingerprint (0030, lines 1-6).

As to claim 13, Ortiz discloses:

wherein the person-specific feature is an iris image (0030, lines 1-6).

As to claim 14, Ortiz discloses:

wherein the person-specific feature is randomly selected (0033, lines 3-6).

As to claim 15, Ortiz discloses:

wherein a plurality of person-specific features are requested (0033, lines 3-6).

As to claim 16, Ortiz discloses:

wherein the stored, person-specific features are stored in a data memory of the device (0045, lines 1-3).

As to claim 17, Ortiz discloses:

wherein the stored, person-specific features are stored in a central memory, to which the device is connected via a data bus (12, 14, Figure 1; 0045, lines 1-3).

12. Claims 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Kinsella (US 2002/0150282 A1).

Art Unit: 2131

As to claim 18, Kinsella discloses a system and method for providing user access to a secured application using a fingerprint sensor with feature authentication, the system and method having:

at least one sensor (70, Figure 2);

a programmable logic controller (240, Figure 2);

a data bus for connecting said at least one sensor to said programmable logic controller (230, Figure 2),

wherein said at least one sensor includes means for registering a person-specific feature of the user (0107, lines 1-10).

As to claim 19, Kinsella discloses:

a portable unit containing user-specific data (80, 105, Figure 1C);

a registration unit at the device, which reads user-specific data from said portable unit (0107, lines 1-10).

As to claim 19, Kinsella discloses:

wherein said portable unit is an electronic key (i.e. providing access) (0020, lines 14-19; 0027, lines 3-12).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah Su whose telephone number is (571) 270-3835. The examiner can normally be reached on Monday through Friday 7:30AM-5:00PM EST..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sarah Su/
Examiner, Art Unit 2131
/Ayaz R. Sheikh/
Supervisory Patent Examiner, Art Unit 2131